

**SUPREME COURT MINUTES
FRIDAY, DECEMBER 9, 2005
SAN FRANCISCO, CALIFORNIA**

S138603

HARRIS (ELLIOT A.) ON H.C.
Petition ordered withdrawn

Pursuant to written request of petitioner the
above-entitled petition for writ of habeas corpus
is ordered withdrawn.

S139433

B187462 Second Appellate District,
Division Seven

GERAGOS & GERAGOS v. S.C. (DALTON)
Petition for review and application for stay denied

S137686

G034215 Fourth Appellate District,
Division Three

PEOPLE v. HELSTERN
Time extended to grant or deny review

to December 12, 2005

S031641

PEOPLE v. TATE (GREGORY O.)
Extension of time granted

to February 14, 2006 to file appellant's opening
brief. After that date, only two further
extensions totaling about 85 additional days will
be granted. Extension is granted based upon
Deputy State Public Defender Harry Gruber's
representation that he anticipates filing that brief
by May 5, 2006. Counsel is ordered to inform
his or her supervising attorney, if any, of this
schedule and to take all steps necessary to meet
it.

S034800

PEOPLE v. DEHOYOS (RICHARD L.)
Extension of time granted

to February 14, 2006 to file appellant's opening
brief.

S041008

PEOPLE v. HOYOS (JAIME A.)

Extension of time granted

to January 30, 2006 to file appellant's reply brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Lisa R. Short's representation that she anticipates filing that brief by March 1, 2006.

S044693

PEOPLE v. WALL (RANDALL C.)

Extension of time granted

to February 1, 2006 to file the appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Darlene M. Ricker's representation that she anticipates filing that brief by May 1, 2006.

S055856

PEOPLE v. ROMERO & SELF

Extension of time granted

to February 6, 2006 to file appellant Christopher Self's opening brief. After that date, only two further extensions totaling about 115 additional days will be granted. Extension is granted based upon counsel William D. Farber's representation that he anticipates filing that brief by June 1, 2006.

S056425

PEOPLE v. DAVIS (RICHARD ALLEN)

Extension of time granted

to February 6, 2006 to file the respondent's brief. After that date, only two further extensions totaling about 100 additional days are contemplated. Extension is granted based upon Supervising Deputy Attorney General Ronald Matthias's representation that he anticipates filing that brief by May 15, 2006.

S057321

PEOPLE v. LOMAX (DARREL L.)

Extension of time granted

to February 10, 2006 to file respondent's brief. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General David A. Voet's representation that he anticipates filing that brief by March 13, 2006.

S059531

PEOPLE v. REDD (STEPHEN MORELAND)

Extension of time granted

to February 14, 2006 to file respondent's brief. After that date, only two further extensions totaling about 80 additional days will be granted. Extension is granted based upon Deputy Attorney General Jennifer A. Jadovitz's representation that she anticipates filing that brief by April 30, 2006.

S064306

PEOPLE v. FAMALARO (JOHN J.)

Extension of time granted

to February 14, 2006 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy State Public Defender Joel Kirschenbaum's representation that he anticipates filing that brief by March 13, 2006.

S064415

PEOPLE v. BRAMIT (MICHAEL L.)

Extension of time granted

to February 14, 2006 to file appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Deputy State Public Defender Peter R. Silten's representation that he anticipates filing that brief by mid April 2006.

S065233

PEOPLE v. SMITH (FLOYD)

Extension of time granted

to February 3, 2006 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jamilla Moore's representation that she anticipates filing that brief by August 2006.

S072946

PEOPLE v. GONZALEZ (JOSE)

Extension of time granted

to December 27, 2005 to file appellant's supplemental reply brief. After that date, no further extension is contemplated.

S073316

PEOPLE v. EDWARDS (ROBERT)

Extension of time granted

to January 4, 2006 to file the appellant's opening brief. After that date, only six further extensions totaling about 340 additional days will be granted. Extension is granted based upon counsel Michael D. Abzug's representation that he anticipates filing that brief by December 31, 2006.

S075875

PEOPLE v. RUSSELL (TIMOTHY R.)

Extension of time granted

to January 30, 2006 to file appellant's opening brief. After that date, only three further extensions totaling about 130 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by June 2006.

S076175

PEOPLE v. LOY (ELOY)

Extension of time granted

to February 2, 2006 to file appellant's opening brief. After that date, only three further extensions totaling about 135 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing that brief by 6/15/2006.

S078027

PEOPLE v. STREETER (HOWARD L.)

Extension of time granted

to February 10, 2006 to file appellant's opening brief.

S083899

PEOPLE v. BOOKER (RICHARD L.)

Extension of time granted

to February 6, 2006 to file the appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel Jonathan P. Milberg's representation that he anticipates filing that brief by February 6, 2006.

S083904

PEOPLE v. VERDUGO (NATHAN J.)

Extension of time granted

to February 6, 2006 to file the appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel John F. Schuck's representation that he anticipates filing that brief by February 6, 2006.

S095223

PEOPLE v. BLOOM (ROBERT MAURICE)

Extension of time granted

to February 14, 2006 to file appellant's opening brief.

S129115**KIPP (MARTIN JAMES) ON H.C.**

Extension of time granted

to December 30, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 15 additional days will be granted. Extension is granted based upon Deputy Federal Public Defender Mark R. Drozdowski's representation that he anticipates filing that document by January 13, 2006.

S129463B161549 Second Appellate District,
Division Two**CITY OF HOPE NATIONAL MEDICAL CENTER v.
GENENTECH, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is hereby ordered that the time to serve and file the reply brief on the merits is extended to and including December 19, 2005.

S131322**LEWIS (RAYMOND) ON H.C.**

Extension of time granted

to January 4, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension of time is granted based upon counsel Kevin G. Little's representation that he anticipates filing that document by January 2006.

S132496A105287 First Appellate District,
Division Three**TROPPMAN v. GOURLEY**

Extension of time granted

to January 3, 2006 for the respondent to file and serve the reply brief on the merits. No further extensions will be granted.

S132646

JONES (MICHAEL LAMONT) ON H.C.

Extension of time granted

to January 4, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only eight further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy Attorney General Holley Hoffman's representation that she anticipates filing that document by 11/2006.

S134332

GUERRA (JOSE) ON H.C.

Extension of time granted

to January 6, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 85 additional days will be granted. Extension is granted based upon Deputy Attorney General Alene M. Games's representation that she anticipates filing that document by March 30, 2006.

S134525

ANDERSON (JAMES PHILLIP) ON H.C.

Extension of time granted

to January 11, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 80 additional days will be granted. Extension is granted based upon Deputy Attorney General Anthony Da Silva's representation that he anticipates filing that document by March 31, 2006.

S136826

NOGUERA (WILLIAM) ON H.C.

Extension of time granted

to January 9, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling

about 30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Barry J.T. Carlton's representation that he anticipates filing that document by February 9, 2006.

S136498
C044964 Third Appellate District

PEOPLE v. SCOTT
Counsel appointment order filed

Upon request of appellant Andre R. Scott for appointment of counsel, Cara DeVito is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S136498
C044964 Third Appellate District

PEOPLE v. SCOTT

Upon request of appellant Maurice Kenney for appointment of counsel, John Steinberg is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S056842

PEOPLE v. RICCARDI (JOHN A.)
Order filed

Respondent's motion for leave to file supplemental brief and application for leave to file oversize brief is granted.

S137137
B173851 Second Appellate District,
Division Eight

PEOPLE v. LEON
Order filed

Upon request of appellant Victor Aceves for appointment of counsel, the California Appellate Project is hereby appointed to

represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S139231

7-ELEVEN, INC. v. DEPARTMENT OF A.B.C.
Transferred to CA Second Appellate District

S139235

7-ELEVEN, INC. v. DEPARTMENT OF A.B.C.
Transferred to CA Second Appellate District

S139255

7-ELEVEN v. DEPARTMENT OF A.B.C.
Transferred to CA Second Appellate District

S139257

ATWAL v. DEPARTMENT OF A.B.C.
Transferred to CA Second Appellate District

B184343

Second Appellate District

INARIN v. S.C. (MADRIGAL)
Transferred to CA Fourth Appellate District,
Division Three

S137720

SMITH ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **Frank Leonard Smith III, State Bar No. 60022**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S137721**GREENWALD ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **Jeffrey H. Greenwald, State Bar No. 178377**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed on July 26, 2005. Credit toward the period of actual suspension will be given for the period of involuntary inactive enrollment which commenced on June 16, 2003, and terminated on July 2, 2004. Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

S137731**AGRAVANTE ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **Juvenal Federico Agravante, State Bar Number 169950**, be suspended from the practice of law in the State of California for five years, that execution of the five-year suspension be suspended from the practice of law in this state for three years and until (1) he makes restitution to Jesus C. Tria Sr. (or the Client Security Fund, if it has paid) in the amount of \$1,240 plus interest thereon at the rate of 10 percent simple interest per annum from June 20, 2003, until paid and furnishes proof satisfactory thereof to the State Bar's Office of Probation in Los Angeles; (2) he files and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State

Bar, to terminate his actual suspension; and (3) he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct all as recommended by the Hearing Department of the State Bar Court in its decision filed on July 6, 2005, as modified by its order filed on August 8, 2005. If the State Bar Court grants a motion to terminate Agravante's actual suspension, it is authorized to place him on probation for a specified period of time and to impose on him such conditions of probation that it deems appropriate in light of the misconduct found in this proceeding. Agravante is ordered to comply with any such probation conditions imposed on him by the State Bar Court. Agravante is further ordered to take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Agravante is further ordered to comply with California Rules of Court, rule 955 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S137734

CREQUE ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **George Anthony Creque, State Bar No. 115580**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the

California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

990986-05

THE HONORABLE NORMAN L. EPSTEIN, Presiding Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Supreme Court, as a justice thereof, on December 9, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.